

RECEIVED
SDNY PRO SE OFFICE
2016 DEC 27 PM 3:26
S.D. OF N.Y.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OSMAN NURI OZSUSAMLAR,
Plaintiff

VS

CASE NO:

16-CV-6858 (CM)

AMENDED

MIRIAM ELIZABETH ROCAH, PROSECUTOR,
THERESA MCKEEVER, FBI CASE AGENT,
MELVIN BAILEY, FBI UNDERCOVER AGENT,
JHON DOE, (UNKNOWN COURT REPORTER(S)),
UNITED STATES OF AMERICA.

COMPLAINT

Defendants

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12-27-16

***** JURY TRAIL [X] YES [] NO *****

I. PARTIES IN THIS COMPLAINT:

A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Osman Nuri Ozsusamlar

Reg. No: 53271-054

FCI- Bennettsville

P.O. Box 52020 , Unit A-4

Bennettsville, S.C. 29512-5220

B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

DEFENDANT NO. 1 : MIRIAM ELIZABETH ROCAH, Prosecutor
U.S. Attorney Office- SDNY
300 Quarropas Street
White Plains , N.Y. 10601
e-mail: Miriam.Rocah@USDOJ.Gov

DEFENDANT NO. 2 : THERESA MCKEEVER, FBI case agent
FBI- Internal Affairs
26 Federal Plaza
New York, N.Y. 10278

DEFENDANT NO. 3 : MELVIN BAILEY, FBI undercover agent.
FBI- Internal Affairs
26 Federal Plaza
New York, N.Y. 10278

DEFENDANT NO. 4 : JHON DOE, (UNKNOWN COURT REPORTERS)
Southern District Reporters
500 Pearl Street
New York, N.Y. 10007

phone: (212) 805 0300

~~DEFENDANT NO. 5 : UNITED STATES OF AMERICA~~

II. BASIS FOR JURISDICTION:

Federal courts are courts limited jurisdiction. Only two types of case be heard in federal court: case involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction ?

☒ Federal Questions

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue?

Violation Due Process and Equal Protection.

III. STATEMENT OF CLAIM:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved on the events giving rise to your claims. Do not cite

any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to you claim(s) occur?

When a request for pre-trial and trial transcript was made by the petitioner in 2016, petitioner received incomplete and/or redacted transcripts, without cause given.

B. What date and approximate time did the events giving rise to your claim(s) occur?

2016

C. Facts:

Acting under their government title.

1. Prosecutor Miriam E. Rocah, FBI case agent Theresa McKeever and FBI undercover agent Melvin Bailey has work together to deny the petitioner an addequate copy of pre-trial and trial transcripts. First appeal attorney Tina Schneider, Esq (44 Exchange st. Suite 201, Portland, Maine, 04101. Phone 207-871-7930). and then other appeal attorney Malvina Nathanson (30 Vesey St. NY, NY 10007, Tel 212-608-6771) did not request a complete copy of pre-trial and trial transcripts.

2. Missing transcripts has prevented petitioner from developing addequate collateral attack on his criminal conviction. Which would have helped to develop an argument of ineffective counsel or prosecutorial misconduct are began.

3. The name or names of the court stenographer(s)

are being withheld from the petitioner, which is preventing the petitioner from getting a authentic copy of the pre-trial and trial transcripts.

4. One example of an irregularity;

At 3/23/2006 first pre-trial hearing at the time criminal case no 05-cr-1077(PKL) both Ozsusamlar (father and son) asked judge for forensic test, then Judge Leisure asked prosecutor Miriam E. Rocah "any alternation?" Pg. 9. Prosecutor Rocha recording time between FBI agent Bailey and defendant Osman using late F-word. We removed the only F-word. Attorney Turner said the government already accepted alternation. This is changed in the transcript to F-bird. Also pg. 14 prosecutor Rocha we have 35 or 36 voice recording CD each cost is 6 or 8k dollars. We can not afford that forensic test fee. Attorney Osuna said we need just 4 voice recording CDs cost is less than 10k dollars is not in the transcript. Pg. 16 and 18 MCC voice recording between Mustafa and CW M. Malbrouk. We give exhibit voice record to attorney Turner very soon. Attorney Turner ⁵reponds by we are glad to put in record and the transcript, this is not to show transcript.

IV. INJURIES:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

Because of these incomplete and/or redacted transcripts, petitioner has been denied an adequate opportunity to mount a proper collateral attack on the criminal conviction.

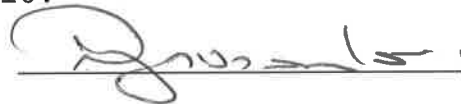
V. RELIEF:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

The Petitioner moves the court to require the United States, or its agents, jointly or severally, to supply the petitioner with complete pre-trial and trial transcripts.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Signed this 19 day of December, 2016.



Osman Nuri Ozsusamlar

Reg. No: 53271-054

FCI- Bennetsville

P.O. Box 52020

Bennettsville, S.C. 29512

I declare under penalty of perjury on this 19 day of December, 2016, I am delivering this complaint to prison authorities to be mailed to the Pro Se Office of the United States District Court for the Southern District of New York.



Osman Nuri Ozsusamlar

Reg. no: 53271-054

FCI- Bennettsville

P.O. Box 52020

Bennettsville, S.C. 29512

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OSMAN NURI OZSUSAMLAR,
Plaintiff

VS

CASE NO:

16-CV-6858 (CM)

AMENDED

MIRIAM ELIZABETH ROCAH, PROSECUTOR,
THERESA MCKEEVER, FBI CASE AGENT,
MELVIN BAILEY, FBI UNDERCOVER AGENT,
JHON DOE, (UNKNOWN COURT REPORTER(S)),
UNITED STATES OF AMERICA.

COMPLAINT

Defendants

***** JURY TRAIL ☒ YES ☐ NO *****

I. PARTIES IN THIS COMPLAINT:

A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Osman Nuri Ozsusamlar

Reg. No: 53271-054

FCI- Bennettsville

P.O. Box 52020 , Unit A-4

Bennettsville, S.C. 29512-5220

B. ~~List all defendants. You should state the full name of~~
the defendant, even if that defendant is a government agency,
an organization, a corporation, or an individual. Include the
address where each defendant may be served. Make sure that the
defendant(s) listed below are identical to those contained in
the above caption. Attach additional sheets of paper as
necessary.

DEFENDANT NO. 1 : MIRIAM ELIZABETH ROCAH, Prosecutor
U.S. Attorney Office- SDNY
300 Quarropas Street
White Plains , N.Y. 10601
e-mail: Miriam.Rocah@USDOJ.Gov

DEFENDANT NO. 2 : THERESA MCKEEVER, FBI case agent
FBI- Internal Affairs
26 Federal Plaza
New York, N.Y. 10278

DEFENDANT NO. 3 : MELVIN BAILEY, FBI undercover agent.
FBI- Internal Affairs
26 Federal Plaza
New York, N.Y. 10278

DEFENDANT NO. 4 : JHON DOE, (UNKNOWN COURT REPORTERS)
Southern District Reporters
500 Pearl Street
New York, N.Y. 10007

phone: (212) 805 0300

DEFENDANT NO. 5 : UNITED STATES OF AMERICA

II. BASIS FOR JURISDICTION:

Federal courts are courts limited jurisdiction. Only two types of case be heard in federal court: case involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction ?

☒ Federal Questions

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue?

Violation Due Process and Equal Protection.

III. STATEMENT OF CLAIM:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved on the events giving rise to your claims. Do not cite

any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur?

When a request for pre-trial and trial transcript was made by the petitioner in 2016, petitioner received incomplete and/or redacted transcripts, without cause given.

B. What date and approximate time did the events giving rise to your claim(s) occur?

2016

C. Facts:

Acting under their government title.

1. Prosecutor Miriam E. Rocah, FBI case agent Theresa McKeever and FBI undercover agent Melvin Bailey has work together to deny the petitioner an adequate copy of pre-trial and trial transcripts. First appeal attorney Tina Schneider, Esq (44 Exchange St. Suite 201, Portland, Maine, 04101. Phone 207-871-7930). and then other appeal attorney Malvina Nathanson (30 Vesey St. NY, NY 10007, Tel 212-608-6771) did not request a complete copy of pre-trial and trial transcripts.

2. Missing transcripts has prevented petitioner from developing adequate collateral attack on his criminal conviction. Which would have helped to develop an argument of ineffective counsel or prosecutorial misconduct are begun.

3. The name or names of the court stenographer(s)

are being withheld from the petitioner, which is preventing the petitioner from getting a authentic copy of the pre-trial and trial transcripts.

4. One example of an irregularity;

At 3/23/2006 first pre-trial hearing at the time criminal case no 05-cr-1077(PKL) both Ozsusamlar (father and son) asked judge for forensic test, then Judge Leisure asked prosecutor Miriam E. Rocah "any alternation?" Pg. 9. Prosecutor Rocha recording time between FBI agent Bailey and defendant Osman using late F-word. We removed the only F-word. Attorney Turner said the government already accepted alternation. This is changed in the transcript to F-bird. Also pg. 14 prosecutor Rocha we have 35 or 36 voice recording CD each cost is 6 or 8k dollars. We can not afford that forensic test fee. Attorney Osuna said we need just 4 voice recording CDs cost is less than 10k dollars is not in the transcript. Pg. 16 and 18 MCC voice recording between Mustafa and CW M. Malbrouk. We give exhibit voice record to attorney Turner very soon. Attorney Turner ^sreponds by we are glad to put in record and the transcript, this is not to show transcript.

IV. INJURIES:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

Because of these incomplete and/or redacted transcripts, petitioner has been denied an adequate opportunity to mount a proper collateral attack on the

criminal conviction.

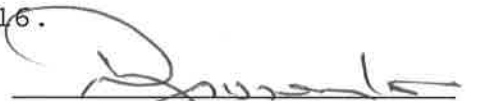
V. RELIEF:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

The Petitioner moves the court to require the United States, or its agents, jointly or severally, to supply the petitioner with complete pre-trial and trial transcripts.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Signed this 19 day of December, 2016.



Osman Nuri Ozsusamlar

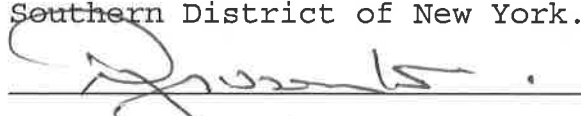
Reg. No: 53271-054

FCI- Bennetsville

P.O. Box 52020

Bennettsville, S.C. 29512

I declare under penalty of perjury on this 19 day of December, 2016, I am delivering this complaint to prison authorities to be mailed to the Pro Se Office of the United States District Court for the Southern District of New York.



Osman Nuri Ozsusamlar

Reg. no: 53271-054

FCI- Bennettsville

P.O. Box 52020

Bennettsville, S.C. 29512

#35

CERTIFICATE OF SERVICE

I, Osman Nuri Ozsusamlar hereby certify that I have served a true and correct copy of the following:

AMENDED COMPLAINT case no: 16-cv-6858(cm)

Which is deemed filed at the time it was delivered to prison authorities for forwarding
Houston v. Lack, 101 L. Ed. 2d 245 (1988), upon the defendant/defendants and or his attorney/attorneys of record, by placing same in a sealed, postage prepaid envelope addressed to :

Pro se Office
United States District Court
Southern District of New York.
500 Pearl Street.
New York, NY 10007

and deposited same in the United States Mail at VIA First Class USPS mail
drop off FCI-Bennettsville, SC: mailroom.

I declare, under penalty of perjury (Title 28 U.S.C. §1746), that the foregoing is true and correct:

Dated this 19 day of December, 2016.

Osman Nuri Ozsusamlar
Reg. no: 53271-054
FCI-Bennettsville
P.O. Box 52020, Unit A-4
Bennettsville, S.C. 29512.

2016 DEC 27 PM 3:26

RECEIVED
SONY PRO SE OFFICE

cc. File.

↔53271-054↔

Osman Ozsusamlar
Federal Correctional
Institution -- Bennettville
P.O.Box 52020, Unit A - 4
Bennettville, SC 29512-5220
United States

LEGAL MAIL

12-20-2016

PLEASE RETURN TO THE
ADDRESS ABOVE
IF THE MAIL IS NOT
DELIVERED TO THE
CORRECTIONAL INSTITUTION
THE MAIL WILL BE
RETURNED TO THE
POSTAL SERVICE
FORWARDING TO THE
CORRECTIONAL INSTITUTION
PLEASE RETURN TO THE
ADDRESS ABOVE

mailed: 12-19-2016.

LEGAL MAIL

↔53271-054↔

United States District Court
Pro Se Office
500 Pearl ST
Southern District of NY
NEW YORK, NY 10007
United States

United States District
Southern District

USM_{P3}
SDNY

